

REMARKS/ARGUMENTS CONCERNING AMENDMENTS

Cancellation of Claim 17 complies with the Office's requirement to do so and is consistent with Applicants' response to the Restriction requirement. The act of canceling Claim 17 does not add new matter. Cancellation of Claim 17, as with cancellation of Claims 12-16 and 18-31, is without prejudice as Applicant reserves the right to file a divisional application that includes one or more of withdrawn Claims 12-31.

Applicant amends Claim 1 to specify that the melt mixed blend is an extruded, melt mixed blend. The amendment draws support from the Application as filed at page 5, lines 29-31. As such, it does not constitute new matter.

Applicant amends Claims 2-5, 7-10, 32 and 33 to make them consistent with the change in Claim 1. In addition, Applicant amends Claim 33 to delete 'about'. Applicant respectfully asserts that the amendments draw full support from the Application as filed, specifically including the citation to page 5, lines 29-31 as well as page 8, lines 7-10, and do not constitute new matter.

Applicant amends Claim 9 to remove multiple dependency.

REMARKS/ARGUMENTS CONCERNING THE RESTRICTION AND
CLAIM REJECTIONS

Applicant thanks the Office for pointing out an inadvertent oversight. Applicants' prior listing of Claims designates Claim 17 as withdrawn, but the revised response did not affirmatively cancel Claim 17. This paper does so. As such, Applicant respectfully contends that the cancellation, without prejudice, withdraws Claim 17 from consideration as a non-elected invention, complies with the Office's requirement and removes the issue from further discussion.

The Office rejects Claims 1 – 11, 32 and 33 under 35 USC 102(b) as being anticipated by Nagata et al. (U.S. Patent Number 5,567,744). The Office suggests that "744 teaches the same polymer blend as Applicant claims and that such a blend would inherently be extrudable. The Office opines that stirring and mixing components at or near the softening or melting point of a thermoplastic polymer is the same thing as melt mixing.

Applicant respectfully traverses the rejection of Claims 1 – 11, 32 and 33 under 35 USC 102(b). Applicant contends that the teachings of Nagata et al. differ from the claimed invention in at least two critical aspects. First, Nagata et al. do not teach nor suggest that a blend of a high water absorbent resin and a thermoplastic resin be melt-mixed, much less extruded. Second, Nagata et al. neither teach nor suggest that the thermoplastic resin interact ionically or covalently with a high water absorbent resin or superabsorbent resin.

The compositions taught by Nagata et al. may, notwithstanding the size differences, be likened to a sugar-coated donut hole. The sugar crystals lightly adhere to the surface of the donut hole as a result of mixing hot donut holes fresh from the fryer with granulated sugar. The sugar crystals, like the thermoplastic resin grains of Nagata et al. retain their granular structure. Nothing about such a structure resembles a co-continuous structure or a structure in which one phase is continuous and a second phase is dispersed therein.

Nagata et al. teach compositions that differ chemically from those of the claimed invention. Applicant clearly requires the presence of a thermoplastic resin that contains a functional group which interacts ionically or covalently with the superabsorbent polymer(s). See e.g. Claim 1. Nagata et al. neither teaches nor suggests that such functional groups are necessary or even desirable. In addition to the paragraph found at page 8, lines 7

– 10, Applicant invites the Office to consider the paragraph found at page 5, lines 22 – 31, especially lines 29 – 31. From these two paragraphs, one can reasonably infer that the ionic or covalent reaction occurs during melt mixing. In the absence of both the functional group and melt mixing, one does not attain the claimed invention.

The Office rejects Claim 33 under 35 USC 103(a) as being unpatentable over Nagata et al. as applied to Claim 1. The Office notes that Nagata et al. teaches that the thermoplastic resin is present in an amount of from 1 to 50% by weight based on total blend weight. The Office asserts that Applicant's use of "about" in Claim 33 creates an overlap with the range taught by Nagata et al.

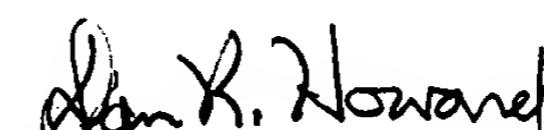
Applicant amends Claim 33 to remove any potential overlap with Nagata et al. In the absence of any overlap and in view of the fact that Nagata et al guide a skilled artisan away from the amount of thermoplastic resin specified in amended Claim 33, Applicant respectfully submits that Nagata et al. fails to support an obviousness rejection under 35 USC 103(a).

Applicant respectfully seeks withdrawal of the rejections presented by the Office together with allowance of Claims 1 – 11, 32 and 33 at an early date.

Applicant believes that timely submission of this request and maintaining the same number of claims generate no additional fees.

If the Office believes that a telephone interview would be helpful, Applicant respectfully asks the Office to contact the undersigned to set up such an interview.

Respectfully submitted,



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